

**WESTFORD PERMANENT SCHOOL BUILDING COMMITTEE  
MEETING MINUTES**

**January 18, 2007**

**Members Present:** A. Benoit, S. Brierley, K. Cavanagh, T. Ellis, R. Jefferies, K. Morgan, G. Murray

**Also Present:**

The meeting was called to order at 7:35 P.M.

**LEGEND**

*Italics* = prior meeting(s)

**Bold** = this meeting

**NOTE: For the purpose of clarity much of the discussions from prior meetings have been omitted. Please refer to the Minutes of the August 18, 2005 and April 2, 2006 meetings for a comprehensive history of prior discussions.**

**I. INVOICES**

**PRINTING SOLUTIONS –**

**Stony Brook School** – A **Motion** was made by G. Murray seconded by A. Harkness and passed unanimously, to approve payment of an invoice dated 12/19/06, in the amount of \$481.60 for printing two copies of Stony Brook half size plans.

**WESTFORD PUBLIC SCHOOLS FOOD SERVICES –**

**Stony Brook School** – A **Motion** was made by G. Murray seconded by K. Cavanagh and passed unanimously, to approve payment of an invoice, dated 1/11/07, in the amount of \$33.00 for meeting expenses

**OTHER PAYMENTS:**

**CAROL MORGAN** - A **Motion** was made by G. Murray seconded by K. Cavanagh and passed by a vote of seven (7) in favor with one (1) abstention, to approve payment of Invoice #65, dated 12/31/06 in the amount of \$100.00 for secretarial services for typing the meeting minutes for November 16, 2006.

**WARRANTS SIGNED** – Warrant 0727 PSBC in the amount of \$3,145.40 dated 1/04/07, approved previously by the majority of the committee for invoices previously authorized for payment on 12/14/06.

## **II. MINUTES**

A **Motion** was made by G. Murray seconded by K. Cavanagh and passed by a vote of five (5) in favor with three (3) abstentions, to approve the minutes of November 16, 2006 as corrected.

A **Motion** was made by G. Murray seconded by K. Cavanagh and passed by a vote of five (5) in favor with three (3) abstentions, to approve the minutes of December 14, 2006 as submitted.

## **III. CRISAFULLI SCHOOL**

**No discussion**

## **IV. MILLER SCHOOL**

**No discussion**

## **V. STONY BROOK**

*K. Thompson reported that a review of the meeting minutes revealed that there has not been an official vote to return Care, Custody & Control of the Stony Brook School to the School Committee. A **Motion** was made by G. Murray seconded by K. Cavanagh and passed unanimously (and resoundingly!) to return Care, Custody & Control of the Stony Brook School to the School Committee.*

*K. Morgan reported that he had spoken to E. Quinlan on 4/3 and that E. Quinlan would attend tonight's' meeting. However, Mr. Quinlan is not in attendance. There was discussion regarding the types of documents that we should begin to assemble, including PSBC meeting minutes, Change Orders, Contractor's Payment Requisitions, Punch List, correspondence between PSBC and Town Counsel and between PSBC and Peabody Construction, correspondence related to testing and investigation of the rubber floor tiles, minutes of the 3.1 Conference on April 12, 2005. K. Morgan will speak to C. Franceschi (DRA) to advise that we will be requesting documents. E. Quinlan (Quinlan & Sadowsky) attended the meeting to update the committee. A **Motion** was made by G. Murray seconded by A. Harkness and passed unanimously, to go into Executive Session for the purpose of discussing legal strategy. A **Motion** was made by G. Murray seconded by A. Harkness and passed unanimously, to allow the attendance of Ed Quinlan and Kathy Thompson at Executive Session. A **Motion** was made by G. Murray seconded by K. Ware and passed unanimously, to return to Public Session. There was some discussion regarding the condition of the VCT tile on the ground floor and whether it is advisable to perform repairs to those areas similar to the repairs performed on the rubber tile areas. K. Morgan will ask Northeast Flooring to review and update their previous cost proposal for the repairs. K. Morgan reported a conversation with Northeast Flooring. Northeast was asked to review their previous cost proposal for repairs to the VCT tile areas on the ground floor. The condition of the VCT tile areas has deteriorated to the point where it is considered a safety hazard. Northeast has submitted a revised proposal that is reduced in cost due to reduced disposal costs. Northeast has advised that they cannot perform the work in August due to prior commitments; however, they can do the work in July. K. Morgan reported that he spoke to E. Quinlan (Quinlan & Sadowsky) about this issue. Quinlan recommended that the PSBC send written Notice to Peabody Const. and St. Paul/Travelers of our intent to have the work done and offer them an opportunity to observe the existing conditions and respond. Quinlan will prepare the Notice. There was considerable discussion of the pros & cons of giving Northeast approval to proceed prior to any response from Peabody. After discussion a **Motion** was made by G. Murray seconded by K.*

Cavanagh and passed unanimously to authorize Northeast Flooring to perform repairs to the VCT tile areas of the ground floor in accordance with their proposal #2295 in the amount of \$156,596.00. K. Morgan was directed to inform Northeast that this authorization is contingent upon lack of satisfactory response by Peabody, etc. to notification of the Committee's intent to proceed prior to beginning the work. K. Morgan and G. Murray reported on progress of the repairs to the vinyl tile areas. The "B" wing (Admin. Tech. Ed., Music) has been stripped, the slab has been shot blasted and sealed, and should be ready for tile installation by Monday (7/17). The "A" (classroom) wing is being stripped. A couple of ceramic tiles in the main hallway and an electrical box in the Tech. Ed. Room have been damaged and Northeast has indicated that they will repair them. Completion is forecast for August 5. K. Morgan reported that E. Quinlan has sent written Notice to Peabody and St. Paul/Travelers of the defective work and offering them the opportunity to respond. No response has been received as of this meeting. K. Morgan reported no progress on the pursuit of reimbursement from the bonding company and will follow up with Quinlan & Sadowsky. K. Morgan reported on the progress of the tile installation. R. Harbaum and G. Murray believe that the installation in the cafeteria is unacceptable and K. Morgan asked the members to accompany him on a site visit on Saturday 8/12 to observe the situation. In addition, a significant portion of the carpet in the auditorium, nearest the stage, has come loose from the underlying slab. Northeast Flooring has submitted a cost proposal in the amount of \$30,737 to remove the existing carpet, shot blast and seal the floor, and install new carpet. The committee is uncertain of the extent of replacement needed and will review the area on Saturday. Based on comments from the committee Northeast Flooring has submitted a revised proposal in the amount of \$10,784.80 to remove the existing carpet, shot blast and seal the floor, and install new carpet in the "orchestra pit" area only. After discussion a Motion was made by R. Jefferies seconded by K. Cavanagh and passed unanimously to authorize Northeast Flooring to proceed with the removal of the existing carpet, shot blast and seal the floor, and install new carpet in the "orchestra pit" area only for an amount Not to Exceed \$10,784.80 pending clarifications of questions concerning accent strips, disposal costs, etc. K. Morgan reported no communication from Quinlan & Sadowsky and the committee expressed its' frustration with the lack of communication. K. Morgan will continue to try to speak to Ed Quinlan and communicate the committee's frustration. K. Morgan reported that he has spoken to E. Quinlan's office, Mr. Quinlan's wife has been hospitalized. K. Morgan will continue to attempt to speak with E. Quinlan. **Based on a recent email from E. Quinlan, he is preparing a draft of a complaint that the committee might file against Peabody and St. Paul/Travelers. It also appears that E. Quinlan is suggesting that the process of filing suit and document discovery, etc. will result in the committee needing to retain an expert, or experts to investigate the rubber & vinyl tile and paver failure issues. There was considerable discussion on the merits of proceeding with the filing of a complaint, the likelihood of recovery of all or part of the costs that the committee alleges are owed by Peabody and the costs to the Town of legal representation and consultants. K. Morgan will continue to correspond with E. Quinlan in hopes of obtaining additional information and opinion. After discussion it was agreed that SA. Harkness would help draft a letter for the Town Manager to send to E. Quinlan that requests a detailed response to the most recent St. Paul/Travelers letter to the Insurance Commissioner.**

A. Harkness volunteered to draft a letter to the Insurance Commissioner voicing the committee's frustration with the lack of response from St. Paul/Travelers. The letter was drafted, reviewed and sent. The committee has received a letter dated October 13, 2006 from the office of Consumer Affairs and Business Regulation, Division of Insurance, indicating that they have received our complaint and are investigating. Peabody/St. Paul/Travelers have responded to the Consumer Affairs' request for information and E. Quinlan provided a preliminary assessment via email date November 16, 2006.

#### **The Action Items List was reviewed.**

R. Jefferies reported that he had spoken to N. Reed, who agreed to reduce the scope to services to Conceptual design (s) and preliminary construction cost estimates, for a revised proposed fee of \$7,540.00. After discussion it was agreed that upon receipt of a written proposal K. Morgan would

authorize work to proceed to an amount not to exceed \$5,000.00. K. Morgan reported that he has received, via R. Jefferies, a revised proposal in the amount of \$8,900.00 to provide preliminary design work for alternatives to the plaza entrances. K. Morgan has given a limited Notice to Proceed to N. Reed for an amount not to exceed \$5,000.00 per the vote taken at the prior meeting. A Motion was made by K. Morgan, seconded by M. Mulligan and passed unanimously to authorize Nick Reed to provide preliminary design work for alternatives to the plaza entrances for an amount not to exceed \$8,900.00. K. Morgan reported that N. Reed has been provided with the contract drawings and has begun his work. Status unchanged. R. Jefferies will speak to N. Reed to ascertain his progress. R. Jefferies has spoken to N. Reed, who indicated that he has not received the signed acceptance of his proposal. K. Morgan signed the acceptance based on the committee's prior vote to authorize the work. K. Thompson will forward the signed proposal tomorrow. R. Jefferies reported that he has spoken with N. Reed, who thought the meeting was October 9. R. Jefferies will ask N. Reed to attend the meeting on Nov. 16. N. Reed presented his analysis of the pavers situation and six (6) concepts for redesign of the plazas. After considerable discussion it was agreed to further develop Options B and C, including preliminary cost estimates. **N. Reed provided an update of his progress and provided further developed sketches and Statements of probable Cost for Options B & C as previously directed by the committee. The probable Cost for Option B is \$276,954.00 and for Option C is \$458,402.00. Both options include extending the irrigation system, new and relocated plantings and minor electrical work. Option C also includes removal of the concrete base and the use of pavers as opposed to use of concrete paving with color and a score pattern. After considerable discussion it was the consensus of the committee to proceed with Final Design and Construction Document preparation for Option B and the committee requested that N. Reed prepare a scope and fee proposal for the design, document preparation and construction administration. It was agreed to schedule our next meeting for January 30 in order to review his proposal and possibly authorize N. Reed to proceed with Final design. It was also agreed to invite Supt. Of Schools B. Olsen and Stony Brook Principal P. Cohen to the meeting to coordinate the schedule for construction, access requirements, maintenance of plantings after installation, etc.**

K. Morgan asked for volunteers to form a subcommittee to review Change Orders, etc. related to the exterior and site work in order to complete the E&O process. T. Ellis and G. Murray will act as a subcommittee to review all exterior work changes from an E&O perspective. T. Ellis and G. Murray will begin their review before the next meeting. Status unchanged. G. Murray will request the marked up plans from T. Ellis. G. Murray reported that he and T. Ellis toured the site two weeks ago. T. Ellis is preparing a report. However, G. Murray described a short list of items requiring correction and/or completion: the control station for the well and irrigation was never properly graded; topsoil missing around portions of the track; a washout between the baseball and softball fields; missing guardrail at the parking area adjacent to the treatment plant; the parking lot has become in essence a storage area. Some of these items should be repaired or completed by the School Department; others should be done by the PSBC. K. Thompson will discuss the School Department related issues with R. Crocker. Mahoney's Nurseries have purchased Laughton's. K. Morgan will ask T. Ellis to attempt to talk to Sandy, formerly of Laughton's, now with Mahoney's to ascertain the status of the remainder of the work. G. Murray reported that the guardrail has been replaced, the parking area has been cleaned and the previously stored materials have been removed, the area surrounding the irrigation control station has been repaired and that some topsoil has been placed around the edge of the track. The committee asked that the whereabouts of the concrete pavers be determined. R. Crocker previously reported that the extra pavers could not be found.

*T. Ellis reported on his site visit with a representative from Laughton's. There are some trees that are dying and will be removed and there are several trees that will be transplanted to locations that are better suited. K. Thompson reported a conversation with Laughton's. Spreading of the compost and seeding will be done in the fall. T. Ellis reported that the agreed upon transplanting of several trees will be done in the fall. Status unchanged. K. Thompson will speak to T. Ellis. T. Ellis reported that the tree replacements and relocations have not yet happened. He will speak with Laughton's to schedule this work in the spring. T. Ellis estimated that he would have a written report for the next meeting. The committee agreed to remove this item from the Action Items list.*

*The issue of the improperly located fence between the basketball and tennis courts has not been resolved, pending completion of the close out procedure with Peabody. Fences Unlimited, PCCI subcontractor, has sent a letter to PCCI requesting the balance of the monies owed to them by PCCI. This item is on the Punch List. G. Brackett has advised, in writing, that he will pursue this item with the bonding company.*  
**Status unchanged.**

*K. Morgan reported that he received a telephone call from R. Conley, who reported that the track has been damaged by last year's construction. LeGacy has been informed and will be responsible for repairs. LeGacy will install the binder for the new areas during April school vacation and the remaining finish work will be completed as soon as possible. Cape & Island Tennis and Track has repaired the track at a cost of \$1,800.00. This amount was deducted from LeGacy's invoice. R. Conley advised K. Morgan that Maine Tennis & Track would complete the work for the High jump and Long Jump during the summer when school is not in session. G. Murray reported significant ponding in the semi-circular area near the goal posts. K. Morgan will advise R. Conley of this condition. The work is complete.*

**The committee has received a revised proposal from Northeast Flooring for removal and replacement of the carpeting in the Auditorium Orchestra Pit, in the amount of \$11,171.30. After discussion a Motion was made by G. Murray, seconded by A. Harkness and passed unanimously to accept the proposal from Northeast Flooring for Auditorium carpet with the clarification installing a 4" border strip at the intersection of the aisles and the orchestra pit, at a cost of \$11,171.30.**

## **VI. OTHER**

*There was general discussion regarding apportioning the cost of preparing audit related material for the Crisafulli and Miller Schools. K. Thompson has completed compilation of the documents for Crisafulli, however there are unfinished items for Miller related to Christy Lane. Discussion followed as to whether it is prudent to also complete and submit the documents for Miller anyway. K. Thompson discussed the situation with S. Marchand, Finance Director and it was her recommendation to submit the documents for Crisafulli and Miller together. At this time K. Thompson is spending her time dealing solely with issues surrounding the Stony Brook School. After discussion it was the consensus of the committee to proceed to submit the documents for the Miller School at this time, without waiting for the completion of the program of testing the abutters' wells. K. Thompson reported that the audit firm hopes to complete its review by September 16. G. Murray suggested that we will likely receive a list of questions and requests for additional information.*

*G. Murray reported on his meeting and discussions with M. Worthington regarding the ongoing SBA audit of the Crisafulli and Miller Schools projects. One interesting question is the allow ability of charges from the Water and Police departments. G. Murray has drafted a letter to the Water Department describing the costs in question and asking for their help in providing documentation. The Water Department has provided a written response, which will be provided to the audit firm.*

*K. Morgan initiated discussion regarding disbanding of the PSBC. After discussion it was agreed that our work is not finished until we resolve the issues surrounding Peabody Const. and St. Paul/Travelers.*

The next meeting is scheduled for Tuesday, January 30, 2007, at 7:30 P.M. at the Central Office. The meeting was adjourned at 9:10 P.M.

Steven Brierley, Secretary

Minutes approved \_\_\_\_\_ by a vote of \_\_\_\_\_

Signed \_\_\_\_\_